

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

BABATUNDE KAREEM AGORO,

Petitioner,

VS.

ATTORNEY GENERAL,

Respondent.

Case No. 4:11-cv-3951-RDP-TMP

ORDER REGARDING SUMMARY DISPOSITION

The Government filed an answer, seeking dismissal of the § 2241 petition in this action. The Court deems the case ripe for summary disposition. See McBride v. Sharpe, 25 F.3d 962 (11th Cir. 1994). The purpose of this Order is to notify the petitioner that the petition will be treated by the Court as ripe for summary disposition and to further inform the petitioner of his right to file affidavits or other materials to show why the petition should not be summarily denied or dismissed on the basis of the answer filed by the Government.

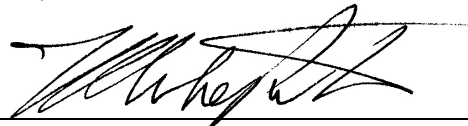
To the extent the Government seeks summary disposition of the petition on grounds of non-exhaustion of remedies, procedural default, successiveness, abuse of the writ, or other such procedural grounds, petitioner may wish to offer affidavits or other evidence establishing facts to rebut those asserted defenses. Petitioner may wish to offer counter-affidavits or other admissible evidence to show that either he has exhausted all remedies or that such remedies are futile. Similarly, petitioner may wish to offer evidence to establish cause and prejudice excusing procedural default, successiveness, or an abuse of the writ, or otherwise make a colorable showing of factual innocence in order to establish a fundamental miscarriage of justice exception to these procedural

rules. The Court will review and consider the record and any additional evidentiary material offered by the petitioner in making a determination whether the petition should be summarily disposed of.

Petitioner shall have twenty (20) days after the date of this Order to supply any additional evidentiary materials or legal arguments he may wish to offer with regard to whether the petition is subject to summary disposition. Thereafter, the Court will take the petition under advisement for consideration in light of the Government's answer and any additional materials supplied by the petitioner.

The Clerk is DIRECTED to send a copy of this Order to the petitioner and to counsel for the Government.

DATED this 28th day of December, 2011.

A handwritten signature in black ink, appearing to read 'T. Michael Putnam', is written over a horizontal line.

T. MICHAEL PUTNAM
U.S. MAGISTRATE JUDGE